

NOT FOR PUBLICATION

SEP 28 2007

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

XIN-BAO HE,

Petitioner,

v.

PETER D. KEISLER,** Acting Attorney
General,

Respondent.

No. 06-70167

Agency No. A78-845-678

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted September 24, 2007***

Before: CANBY, TASHIMA, and RAWLINSON, Circuit Judges.

Xin-Bao He, a native and citizen of China, petitions for review of the Board of Immigration Appeals' ("BIA") decision affirming the Immigration Judge's

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** Peter D. Keisler is substituted for his predecessor, Alberto R. Gonzales, as Acting Attorney General of the United States, pursuant to Fed. R. App. P. 43(c)(2).

*** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

(“IJ”) denial of his application for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”). We have jurisdiction pursuant to 8 U.S.C. § 1252.

Where, as here, the BIA reviews the IJ’s decision de novo, our review is limited to the BIA’s decision, except to the extent that the IJ’s opinion is expressly adopted. *See Shah v. INS*, 220 F.3d 1062, 1067 (9th Cir. 2000). We review for substantial evidence, *Desta v. Ashcroft*, 365 F.3d 741, 745 (9th Cir. 2004), and we deny the petition.

Substantial evidence supports the BIA’s denial of relief because He submitted numerous fraudulent documents that went to the heart of his claim, and the totality of the record supported an adverse credibility finding. *See id.*

PETITION FOR REVIEW DENIED.